

INTERAGENCY COORDINATION (IC) WORKING GROUP (WG)
New England Aquarium Exploration Center
Boston, MA
9:30am to 5:00pm
27 February 2004

MEETING SUMMARY

ACTION: Upcoming meetings

The next IC WG meeting is tentatively scheduled for the end of March (Thursday, March 25 or Monday March 29). Sally Yozell will poll the WG and notify members of the preferred date. Possible presentations for the next meeting include the Coast Guard, U.S. Army Corps of Engineers, Division of Marine Fisheries, Enforcement, and the Navy.

ACTION: Alternates

Each member is to determine an alternate to attend WG meetings in the event of a WG member's absence. The name and contact information for each alternate should be sent to Ben Cowie-Haskell by Friday, March 19. WG members should inform the WG Chair if an alternate will be attending prior each scheduled meeting.

ACTION: Information Data Gathering Tasks for WG Members

WG members have been asked to gather documentation of current Memorandums of Understanding (MOU), statutes, rules, authorities, and descriptions that exist within various other sanctuaries and marine protected areas. In addition, Andrew Raddant is to provide WG members with copies of testimony from the "Marine Protected Areas Executive Order."

ACTION: FAA Presentation

It was suggested the IC WG develop a partnership with FAA as the FAA is already involved in other WG activities. Joe Green will invite an FAA representative to speak at the next meeting.

ACTION: Division of Marine Fisheries (DMF)

The DMF was highlighted and an important potential partner to the SBNMS and should be invited to join the IC WG. Haskell will contact the DMF and invite them to attend the next meeting and request they make a brief presentation.

ACTION: Revision of IC Problem Statement

Haskell to revise the IC problem statement based on WG discussions. The revised problem statement will be presented to WG members at the next meeting for discussion, modification, and/or final approval.

ACTION: U.S. Army Corps of Engineers Presentation

Gail French will prepare a presentation on the off-shore disposal site for the next meeting.

ACTION: Interagency Issues from other WGs

Haskell to collect the interagency issues that have resulted from discussions in other the 11 WGs. These issues will be presented to IC WG members as focus points for future group discussions.

ACTION: Out-fall Tracking

Andrew Raddant will provide interested WG members with the copies of the U.S. Geological Survey (USGS) "Model of Out-fall Tracking."

ACTION: Outer Continental Shelf Activities

Raddant will provide interested WG members with information on the oil and gas explorations being conducted on the outer continental shelf.

ACTION: Statutory Authorities

Raddant will provide the WG with a complete list of all statutory authorities related to the SBNMS.

ACTION: Minerals Management Service (MMS)

The MMS is interested in developing a partnership with SBNMS. Raddant will invite a member of the MMS to join the IC WG to help foster this partnership.

ACTION: Tribal Activities

Raddant to determine if local Indian tribes have any historical ties to the SBNMS.

ACTION: Fostering Partnerships

SBNMS is interested in displaying information about the Sanctuary at parks and other protected areas that have overlapping interests with the Sanctuary. Specifically, SBNMS is interested in placing a display at the Salem National Park. Raddant will provide the WG Chair with potential contacts at the Park.

ACTION: Issue Identification

Haskell and Jennifer Ghiloni will identify the key issues (both positive and negative) that were raised during the meeting. This list of issues will be provided to WG members prior to next meeting to help prepare for discussions.

Working Group Attendees (February 27, 2004):

Name	WG Seat / Affiliation	Attendance
Sally Yozell	Batelle Ocean Sciences, WG Chair	Present
Ben Cowie-Haskell	SBNMS, Ed WG Team Lead	Present
Kathi Rodrigues	NMFS/NER, Fishing Regs	Present
Paul Howard	FMC, Fishing Regs	Present
Gino Morro	NOAA Office of Law, Enforcement	Present
Greg Hitchen	USCG, Enforcement	Not Present
Kathleen Dolan	Env. Police, Enforcement	Present
Tom Fetherston	US Navy, Enforcement	Not Present
Tim Timmermann	USEPA, Other Agencies	Present
Andrew Raddant	DOI, Other Agencies	Present
Steve Tucker	Cape Cod Commission, Public Interest	Not Present
Stephanie Campbell	NOAA/NOSGC, Legal/Policy	Present
Susan Snow-Cotter	MA CZM, State	Present
Others Present		
Mike Hennesy	USCG (Enforcement alt. for Greg Hitchens)	
Joe Green	NOAA Office Of Law	
Gail French	US ACOE	
Brian Kelly	DMF	
Jennifer Ghiloni	PSGS	

WELCOME, INTRODUCTIONS AND ADOPTION OF AGENDA

Yozell welcomed WG members and provided members with a brief explanation of the effort at hand. Yozell identified that the goal of the IC WG is to “clarify and streamline interagency coordination.” Each working group member was then asked to introduce themselves and provide a brief description of their background, the agency they are representing, their overall interests in being part of the WG.

WORKING GROUP PROCESS (SBNMS)

Haskell conducted a brief welcome presentation to highlight for members the rules, guidelines, purpose, and goals for the WG. The following highlights key aspects of the presentation. A detailed explanation of the WG process and goals was provided to members in the “Management Plan Review Stellwagen Bank National Marine Sanctuary Reference Document for SAC Working Groups.”

Purpose of the SBNMS Management Plan Review

The SBNMS and Sanctuary Advisory Committee (SAC) have developed a series of 12 WG to review and revise the Stellwagen Bank National Marine Sanctuary Management Plan that was last drafted in 1993. Management Plans required by the National Marine Sanctuary Act for all sanctuaries and by law must be reviewed and updated every 5 years. The purposes of these Management Plans are to identify the goals and objectives of each sanctuary and to create long-term strategies for addressing sanctuary needs.

As part of the management plan review process the public was asked to identify within the SBNMS that should be considered under the new SBNMS Management Plan. The following 8 topics were derived from the public scoping sessions:

- Ecosystem and Habitat Protection
- Impacts of Human Activities on Marine Mammals
- Condition of Water Quality and Contaminant Transport
- Lack of Public Awareness
- Protection of Submerged Cultural Resources Effective Enforcement
- Adequacy of Administrative Capacity
- Sanctuary Authority and Cross-Jurisdictional Interaction

Based on the above topics, issues were prioritized and 12 WGs were developed to address the issues of highest priority. The 12 WGs include:

- Maritime Archeology
- Water Quality
- Site Characterization
- Ecosystem Management
- Ecosystem Alteration
- Marine Mammal Entanglements
- Marine Mammal Behavioral Disturbance
- Marine Mammal Vessel Strikes
- Public Outreach and Education
- Compatibility Determination
- Administrative Capacity and Infrastructure Development and Maintenance
- Interagency Cooperation

Purpose of the Working Groups

Each of the 12 WGs has been charged to develop a series of draft Action Plans to address the specific issues and problems raised during the public scoping process. Each of the draft Action Plans developed should 1) Characterize the issue or problem identified during scoping, and 2) Identify strategies and activities to address the issue(s) (this can include research, education, and regulation activities/strategies).

Roles and Responsibilities of the Working Groups

Working group members were nominated by the public and then selected by the SAC on the basis of each nominee knowledge and understanding of marine resources, management issues, and ability to understand and respect diverse points of view. It is the responsibility of each WG member to select an appropriate alternate to represent them in the event of their absence.

The WG will be run and managed by both an SAC Chair and SBNMS Team Lead. The SAC Chair will facilitate the meeting and ensure fairness, however when appropriate the Chair can remove his/her “chair hat” and take part in discussions. The SBNMD Team Lead will ensure the WG is meeting the Sanctuary’s objectives and supply support to the WG in terms of background information and data, as well as technical support and advice.

If needed the WG can request the presence of a Technical Advisor. Technical Advisors can be brought in to provide special information on a topic of concern. Technical Advisors will be encouraged to participate in WG discussions but will not be allowed to participate in WG’s final decision-making process.

The public is also invited to attend WG meetings as observers. However, a constituent has a specific concern or comment regarding WG materials and/or discussions the concerns must be presented to the WG through the appropriate WG representative.

Working Group Meeting Mechanics

Each WG will be responsible for meeting once a month for at least 3 months (the time and location of the meetings will be determined by group consensus). Draft agendas and meeting material will be provide to all WG members and/or alternates and posted on the SBNMS website (<http://www.sbnms.nos.noaa.gov/management/mpr/workinggroups.html>) approximately 7 days prior to each meeting. Following each meeting a summary of the meeting activities, discussions, and actions will be delivered to WG members and posted on the SBNMS website.

Working Group Decision-Making Process

The working group will strive to reach decisions as a group by general consensus, no voting will take place. If the WG is unable to reach a consensus, the opposing member(s) must demonstrate the reason for disagreement and provide a written rationale for an alternative recommendation/strategy. If the significant disagreement occurs, the WG may request the presence of a facilitator.

STATUTES AND MOUS

To begin group discussions members were presented with a “Partial List of Statutes Currently Affecting Stellwagen Bank.” Members were interested in obtaining other sanctuary MOUs and/or Action Plans to use as references and/or model for the drafting the group’s IC Action Plans. Several suggested models included MOUs from the NMFS, The Park Service, Stellwagen Bank and Underwater Research Program, the Department of Interior, and the Cape Cod National Sea Shore. Members also suggested the WG begin fostering partnerships with agencies or groups addressing similar issues as the IC WG, as well as those who will have interactions with SBNMS in the future. Specifically, members suggested that representatives from the National Park Service, the FAA, and the DMF be invited to the next meeting to participate and/or give presentations.

PROBLEM STATEMENTS: ISSUES OF CONCERN

Based on public scoping and SBNMS staff interpretation, the following IC problem statement was approved by the SAC:

“Ineffective interagency relationships and lack of clarification of goals and authorities between agencies can create an atmosphere of confusion among Sanctuary users and stakeholders.”

This statement has been specifically designed to address public scoping concerns under the following categories:

- Clarification of Overlapping Agency Responsibilities
- Interagency Coordination and Effectiveness

Haskell asked the group to review the above problem statement and determine what issues, if any, need to be addressed. WG members were asked to review and edit the proposed problem statement from the following perspectives:

- How have issues been handled in the past?
- What have been the pros and cons their how they were managed?
- How can this understanding of the past make management strategies more effective in the future?

The following are the issues, comments, and suggestions raised during the WG discussion of the problem statement. Key items WG members felt should be incorporated as part of the problem statement have been included as Appendix A.

Issue 1: Negative and Redundant

Comment: WG members felt that the current wording of the problem statement is very negative. Members felt the problem statement should be given a more positive “spin.” It was suggested that this could be achieved by describing the Sanctuary up-front as a “unique” area and by acknowledging the overlap that exists between agencies, and highlighting the need to coordinate and promote cooperation to sustain the Sanctuary’s “uniqueness.”

Issue 2: Statement of Responsibility

Comment: WG members felt that the problem statement should clearly convey that the responsibility of the Sanctuary is to communicate effectively both across agencies and to users/stakeholders.

Issue 3: Overall Environmental Importance

Comment: WG members felt that it was important to convey to readers that SBNMS is part of a larger ecosystem when drafting the problem statement and action plans. The group specifically saw the need to convey to readers that coordination is ultimately necessary because activities outside the Sanctuary will impact the environment within the Sanctuary and visa versa.

Issue 4: Understanding Stakeholder Perceptions of SWNMS

Comment: In drafting the problem statement and action plans it became clear that the WG should focus on communicating and educating stakeholders. Specifically the WG should focus on the follow questions:

- Do stakeholders understand the Sanctuary's mission?
- Do stakeholders understand the Sanctuary's unique (distinct) role in the environment?
- Do stakeholders understand how the Sanctuary's management and actions (flowing from authority) affect and are affected by other agency management and actions and respective authorities (e.g., outright conflicts, bottlenecks, interrelationships)?

In addition, it is important determine and convey to stakeholders whether or not the Sanctuary is really taking advantage of potential agency collaboration opportunities.

Issue 5: Stakeholder Confusion and No Place for Answers

Comment: WG members noted that one of the major problems in managing the Sanctuary is that stakeholders are not getting what they need. This is due to a lack of understanding about what SBNMS is doing and how various agencies, both federal and state, interact to govern the Sanctuary and its resources. Through public poling it has been discovered that many Sanctuary stakeholders/users are not aware that there are other agencies outside of Fisheries involved in the Sanctuary. Therefore this group should develop strategies for the Sanctuary that will coordinate agencies to the extent that it can provide stakeholders with a central location for which they can go to get all their questions regarding the Sanctuary and the guidelines and regulation that govern it answered.

PRESENTATIONS

Site Characterization and Status of Management of the SBNMS

Ben Cowie-Haskell made a brief presentation about activities within SBNMS. The purpose of the presentation was to inform WG members about what is happening within the Sanctuary and what issues have emerged as a result of these activities. A copy of the presentation can be provided upon request.

National Marine Sanctuaries Program and NOAA Fisheries Jurisdictions and Authorities

Kathi Rodrigues' presentation was made with the objective of providing the WG with information and a better understanding of the NOAA Fisheries, its jurisdictional authorities, and how it relates to the National Marine Sanctuaries Program (NMSP).

The NOAA Organization and the Sanctuary Program

The mission statements of both NOAA Fisheries and the NMSP were compared. The 2 mission statements differed in the fact that the goal of NOAA Fisheries is to manage whereas the mission of the NMSP is to protect. Where the two goal statements are similar is in their desire to foster stewardship or public trustee responsibility. In addition, both agencies are focused on conserving public resources and maintaining ecosystem health, biodiversity, and ecological integrity.

Legislative authorities were also compared. For NOAA the Magnuson Stevens Act is the primary legislative authority. The Act speaks to the conservation and management of fishery resources including the act of fishing and fish habitat. NOAA manages fish throughout their range with the goal of maintaining optimal yield on a continuing basis. NOAA and the Fisheries Management Council are also charged with implementing measures to minimize impacts to essential fish habitats and have the authority

to review all projects that may affect fish habitats including non-fishing activities. In addition, it is the responsibility of NOAA to sustain fishing and minimize economic impacts to the fishing industry.

In contrast, the NMSP is governed by the National Marine Sanctuaries Act (NMSA). Unlike the Magnuson Stevens Act the NMSA is designed to manage and conserve the entire marine area, to protect and restore all biological communities and habitats, and facilitate both public and private uses in way that does not adversely effect the overall environment.

Other Legislative Authorities

There are several other legislative authorities administered by NOAA that the Sanctuary should be aware of. These include:

- The Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) – This was passed in 1993 and regulates the lobster industry, an industry that is of particular importance to the Sanctuary.
- The Atlantic Tunas Convention Act (ATCA)
- Endangered Species Act – NOAA is responsible for all marine endangered species except birds. Examples of protected species in the Northeast Region include whales, sea turtles, and some fish.
- Marine Mammals Protection Act – NOAA
- is responsible for the protection of marine mammals including pinnepeds and whales.

The Northeast Region of NOAA Fisheries and SBNMS

The Northeast Region of NOAA Fisheries extends from the Maine-Canada border to North Carolina. Based on this range, the Region encompasses SBNMS and therefore the Sanctuary is subsumed by the NOAA rules and regulations governing this region. There are currently several Fisheries Management Plans including Multit-Species and groundfish (e.g., monkfish, Atlantic herring, bluefish, summer flounder, scup, sea bass, Atlantic bluefin tuna, and lobster) that have regulations effecting fishing activity in the Sanctuary.

There are other areas of obvious management overlap; however, there are some distinct differences between these overlaps. One important distinction is that NOAA manages resources throughout their range while the Sanctuary generally manages those resources occurring specifically within the designated sanctuary area. There are also several advantages and disadvantages to the management approaches of the agencies. For example, for NOAA it is very difficult for the agency to take a holistic ecosystem approach to species management, whereas the Sanctuary finds it difficult to practice ecosystem management due to the fact that the resources being managed move freely in and out of the Sanctuary.

Operation of NOAA Fisheries under the Magnuson-Stevens Act

NOAA manages fisheries under the guidelines established by Fisheries Management Plans (FMPs). The Fisheries Management Council determines when a FMP is needed. The development of FMPs is conducted by subcommittees established by the Council and aided by advisory groups comprised of stakeholders and technical advisors. All of the meetings are open to the public and continue until the draft FMP is completed. With the assistance of NOAA the Council prepares all the documents necessary for the FMP including Environmental Impact Statements or Environmental Assessments, as well as any draft regulations. It is also the responsibility of NOAA to make sure that the FMP meets national standards and that it addresses public concerns and comments before it can go into effect. NOAA can also disapprove of portions of the proposed FMP if it does not comply with law.

FMP Amendments and Programs of Interest

There are several FMP Amendments that could impact activities within SBNMS. Amendment 13, scheduled to go into effect May 1, is a particularly significant amendment. Under the terms of this amendment fishing effort per vessel will be reduced from 88 to 53 days at sea per year. It also adds more gear restrictions, implements a shared stock agreement with Canada, and proposes substantial closed areas to protected habitat.

Another amendment of interest is the Essential Fish Habitat Omnibus. This amendment is only in its scoping phase; however, if approved it would revise the designated essential fish habitat areas for each New England Council FMP and would propose the establishment of designated habitat research areas.

Programs of possible interest to the Sanctuary include:

- Essential Fish Habitat
- Industry Cooperative Research Programs
- Existing Fisheries Management Plans
- Overlapping Closure Area Experimental Program and Policy

Opportunities for NOAA Fisheries and SBNMS Cooperation

Many of the Sanctuaries WG problem statements are issues that overlap with the Magnuson Stevens Act, the Endangered Species Act, and the Marine Mammal Protection Act. These types of overlaps can become a source of conflict or they can serve as opportunities to support each program.

So far NOAA and SBNMS have developed a good working relationship. Currently the two agencies are working in cooperation to accommodate the needs of the multi-species closed area that overlaps SBNMS boundaries. In addition, the Sanctuary is actively participating as a member of the NOAA Take Reduction Team, and both NOAA and SBNMS are working as partners on management plans on ground operations to protect resources of mutual interest.

U.S. Department of Interior (DOI)

Andrew Raddant's presentation was made with the objective of providing the WG with information on the DOI Bureaus and how they may work in cooperation to the SBNMS.

DOI Agencies that Currently Partner With or Could Potential Partner with SBNMS

Fish and Wildlife Service (FWS) – The FWS is actively involved in the Gulf of Maine Program. They have a common interest with SBNMS in migratory species; they are also connected to the Fisheries Management Council.

U.S. Geological Service (USGS) – USGS is very involved in bathymetry work that could be used by the Sanctuary. They have also developed a new Science Impact Office to foster a better understanding of science in society and in societal dilemmas; staff are currently being trained in conflict avoidance over issues. The home base for this new office is MIT in Boston, MA. A partnership between SBNMS and this new office could be very beneficial to both organizations.

Mineral Management Service (MMS) – Currently the MMS is very interested in partnering with SBNMS regarding their position on the Moratorium.

Bureau of Indian Affairs – As SBNMS is involved with historical preservation, it would be interesting to develop a relationship with the Bureau of Indian Affairs to determine if there are any historical Native American activities tied to the Sanctuary.

National Park Service (NPS) – Neighboring the Sanctuary is the Cape Cod National Sea Shore. There are common interests shared by both the NPS and the SBNMS especially off shore of Cape Cod at the _ mile

mark. In addition, the GOMOOS buoys used by the NPS for marine monitoring might be of interest to the Sanctuary. SBNMS might also consider partnering with the NPS on wetland restoration projects in the area.

Coastal Zone Management (CZM)

Susan Snow-Cotter's presentation was made with the objective of providing the WG with information about the CZM, its legislative authorities, and how it could work effectively as a potential partner with SBNMS.

CZM Background and Legislative Authority

The CZM is part of the Secretary of State. It is a voluntary program that is funded primarily by NOAA. It is primary source of legislative authority is consistency. The CZM's major role is to evaluate proposed marine-based projects based on the agency's established policies. The CZM has authority to review both federal and state projects if the project shows the potential of impacting or affecting the states marine resources. However, the CZM has no authority to issue permits or licenses, it can only advise or comment on the proposed plan and approve or disapprove of it based on it's consistency with CZM policy.

CZM has approval power over policy including wetlands, water quality standards, aquiculture, sand and mining, etc; however, to date the CZM has no authority over fisheries, but the agency is currently working with the DMF to gain this authority.

CZM Programs that Match SBNMS Interests

The following is a list of CZM programs that could be a potential for partnering with SBNMS:

- Water Quality
- No Discharge Areas
- Invasive Species (fresh and marine)
- Ocean Management (how do we manage off-shore areas pro-actively)
- Marine Archeology
- Coastal Hazards
- Ocean Mapping
- Gulf of Maine Council
- Marine Protected Areas
- Habitat Restoration

FINAL COMMENTS

Meeting adjourned at 3:30pm.

Gerry E. Studds Stellwagen Bank National Marine Sanctuary
Management Plan Review

Interagency Coordination Working Group – Draft Agenda

Date: 27 February 2004, 9:30-5:00
Location: New England Aquarium
Discovery Center (across from Simons IMAX theatre)
Central Wharf
Boston, MA 02110
781-424-0699

TIME	TOPICS AND OBJECTIVES
9:30-10:00	<ul style="list-style-type: none">• Welcome• Introductions<ul style="list-style-type: none">• Round Robin (Name, Affiliation, Background, and Interests) <p><u>Objective:</u> Familiarization with members.</p> <p>Discussion Leader: Sally Yozell</p>
10:00-11:30	<ul style="list-style-type: none">• Why Are We Here<ul style="list-style-type: none">• Status of the Management Plan Review• The Working Group Process• Mechanics, Responsibilities, and Decision Making• Purpose and Structure of a Action Plan• How Does the Action Plan Fit into the Draft Management Plan? <p><u>Objective:</u> Familiarize working group members with the management plan review process and the how's and why's of the working group.</p> <p>Discussion Leader: Ben Cowie-Haskell</p>
11:30-12:30	<ul style="list-style-type: none">• Review of problem statement document<ul style="list-style-type: none">• Review public scoping comments• Revise problem statement <p>Objective: Agree on problem statement and associated questions</p> <p>Discussion Leader: Ben Cowie-Haskell</p>
12:30-1:00	<ul style="list-style-type: none">• Lunch- Provided
1:00-2:00	<ul style="list-style-type: none">• Presentation: Site characterization and status of management of the SBNMS -Ben Cowie-Haskell
2:00-2:15	<ul style="list-style-type: none">• Break

2:15-3:45	<p>• Other Agency presentations (30 min. each; agency presentations will be continued at subsequent meeting)</p> <ul style="list-style-type: none"> • NOAA Fisheries • MA Coastal Zone Management • Department of the Interior <p>Objective: Understand agency authorities and jurisdiction</p> <p>Discussion Leader: Sally Yozell</p>
3:45-4:45	<p>• Issue prioritization</p> <ul style="list-style-type: none"> • Identify interagency coordination issues and problems • Prioritize issues <p>Objective: Prioritize issues/problems based on what we know</p> <p>Discussion Leader: Sally Yozell</p>
4:45-5:00	<p>• Next Steps</p> <ul style="list-style-type: none"> -Building an Action Plan - Meeting Schedule <p>Discussion Leader: Sally Yozell</p>

APPENDIX A: Key Points to be Included in the IC Problem Statement

ICWG Problem Statement

- Special qualities of SBNMS,
 - Embedded within the larger GoM ecosystem,
 - need to address activities occurring outside the SBNMS
 - need to integrate SBNMS management with management occurring in GoM
 - conserve special qualities,
 - acknowledge overlapping jurisdictions and authorities,
 - educate public and stakeholders about sanctuary qualities, management, regulations
 - better communicate
 - State and federal agencies have a responsibility to communicate effectively, with each other and with public, to better protect the SBNMS
 - need to work together to protect and promote the SBNMS
1. Agencies need to effectively work together and communicate with each other
 2. Stakeholders are “customers” of the sanctuary and need to understand the sanctuary’s purpose, qualities, and management (clearinghouse for information). Understand interrelationship of various governmental agencies as it relates to protection of the sanctuary.

Stakeholder Perspective

- do stakeholders understand the mission
- do stakeholders understand SBNMS unique role

Ineffective inter-agency relationships and lack of clarification of goals and authorities between agencies can create an atmosphere of confusion among sanctuary stakeholders.